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SIXTIETH LEGISLATURE

**FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, MARCH 4, 2009**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Broadsword, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senator Lodge, absent and excused.

Prayer was offered by Senator LeFavour.

The Pledge of Allegiance was led by Mallory Triplett, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 3, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

President Pro Tempore Geddes was recorded present at this order of business.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 4, 2009

The JUDICIARY AND RULES Committee reports that [S 1134](#) and [S 1135](#) have been correctly printed.

DARRINGTON, Chairman

[S 1134](#) was referred to the Transportation Committee.

[S 1135](#) was referred to the Commerce and Human Resources Committee.

March 4, 2009

The JUDICIARY AND RULES Committee reports that [S 1079](#) has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1079](#) and ordered it transmitted to the House for the signature of the Speaker.

March 4, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 79](#), [H 132](#), and [H 64](#), as amended in the Senate, have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 3, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 40](#), [S 1126](#), and [S 1122](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 40](#), [S 1126](#), and [S 1122](#) were filed for second reading.

March 3, 2009

The HEALTH AND WELFARE Committee reports out [S 1109](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1109](#) was referred to the Fourteenth Order of Business, General Calendar.

March 4, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1135](#) with the recommendation that it do pass.

ANDREASON, Chairman

[S 1135](#) was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 3, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ralph Williams of Heyburn, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing June 30, 2008, and expiring June 30, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

March 3, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1012](#) and [S 1019](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 3, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1018](#) and [S 1041](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 4, 2009

Dear Mr. President:

I transmit herewith [H 103](#), [H 194](#), and [H 185](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 103](#), [H 194](#), and [H 185](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Lodge was recorded present at this order of business.

The President announced that [HCR 16](#), having been held, was before the Senate for final consideration.

Moved by Senator McKenzie, seconded by Senator Kelly, that [HCR 16](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Broadsword, Stegner. Total - 2.

Total - 35.

Whereupon the President declared [HCR 16](#) adopted, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 79](#), as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[H 132](#), as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

[H 64](#), as amended in the Senate, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

[H 103](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 194, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 185, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 57 and H 78, by Education Committee, were read the second time at length and filed for third reading.

H 123, by Health and Welfare Committee, was read the second time at length and filed for third reading.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Kelly, that all rules of the Senate interfering with the immediate passage of H 64, as amended in the Senate, as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that H 64, as amended in the Senate, as amended in the Senate, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Broadsword. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 64, as amended in the Senate, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Davis, Fulcher, Geddes, Heinrich, Hill, Jorgenson, Kelly, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Winder. Total - 24.

NAYS—Bock, Cameron, Coiner, Corder, Darrington, Goedde, Hammond, Keough, LeFavour, Werk. Total - 10.

Absent and excused—Broadsword. Total - 1.

Total - 35.

Whereupon the President declared H 64, as amended in the Senate, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1119, having been held, retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, S 1098, as amended, retained its place on the Third Reading Calendar for one legislative day.

S 1084, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Sagness arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bilyeu, Bock, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 28.

NAYS—Bair, Geddes, Goedde, Lodge, Schroeder. Total - 5.

Absent and excused—Andreason, Broadsword. Total - 2.

Total - 35.

Whereupon the President declared S 1084, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:25 a.m. until the hour of 10 a.m., Thursday, March 5, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary